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EXAMINER

BODAWALA, DIMPLE N

ART UNIT

PAPER NUMBER

1791

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Amendment***

- Claims 36-39, 41-46, 49-61, 63-64, 72-74, 76-78, 80-81, 83-85 and 87-90 are pending.
- Claims 1-35, 40, 47-48, 62, 65-71, 75, 79, 82 and 86 are cancelled.
- Claims 87-90 are new.

In view of the amendment filed on 8/26/2008 following rejections are maintained as a reason of record from the previous office action mailed on 7/9/2008.

- Rejection of claims 36-39, 41-46, 48-61, 63-64, 72-74, 76-78, 80-81 and 83-85 under 35 USC 103(a) as being unpatentable over Leffew et al. (US 6,409,491) in view of Dudley (US 4,123,207).
- Rejection of claims 36, 38-39, 41-46, 48-55, 57-61, 63 and 64 under 35 USC 103(a) as being unpatentable over Yoshida et al. (US 6,220,847) in view of Dudley (US 4,123,207).
- Rejection of claims 73-74, 76-78, 80-81 and 83-85 under 35 USC 103(a) as being unpatentable over Ready et al. (US 6,474,969) in view of Dudley (US 4,123,207).

### ***Response to Arguments***

1. Applicant's arguments filed on 8/26/2008 have been fully considered but they are not persuasive.
2. Applicant argues that the prior art, Leffew et al. (US 6,409,491) discloses a heater (2) is not located at the die opening (12). There is a thermocouple 3 located at the outlet that would prevent the placement of the heater 2 at the die opening. Further, there is air gap (8) would make the placement of the heater at the die opening impossible.
3. Applicant's argument is fully considered but not found persuasive because the prior art, Leffew et al. ('491) discloses extrusion die assembly (14) having polymer passage (15); extrusion barrel with inlet (11) and outlet(12); and a heater (2), wherein heater press fit on the outside of the barrel with thermocouple for sensing the polymer temperature at the extrusion barrel outlet (12) (See col.2 lines 60-67; figure 1), thus it teaches that the heater is disposed at the or near the die opening for heating the polymers at the exit. If prior art discloses claimed structural limitation with the desired function, therefore, mere change in location of the structural limitation does not differentiate the function of the apparatus, and has no patentability weight, see *In re Japikse*, 86 USPQ 70; *In re Gazda*, 104 USPQ 400. Therefore, rejection of claims in view of Leffew et al. has been maintained.

4. Applicant further argues that the prior art, Yoshida et al. (US 6,220,847) discloses a die having nozzle surrounded by the heat transfer channels, wherein prior art uses the term “periphery” for describing the position of the heater, not the phrase “proximate”.

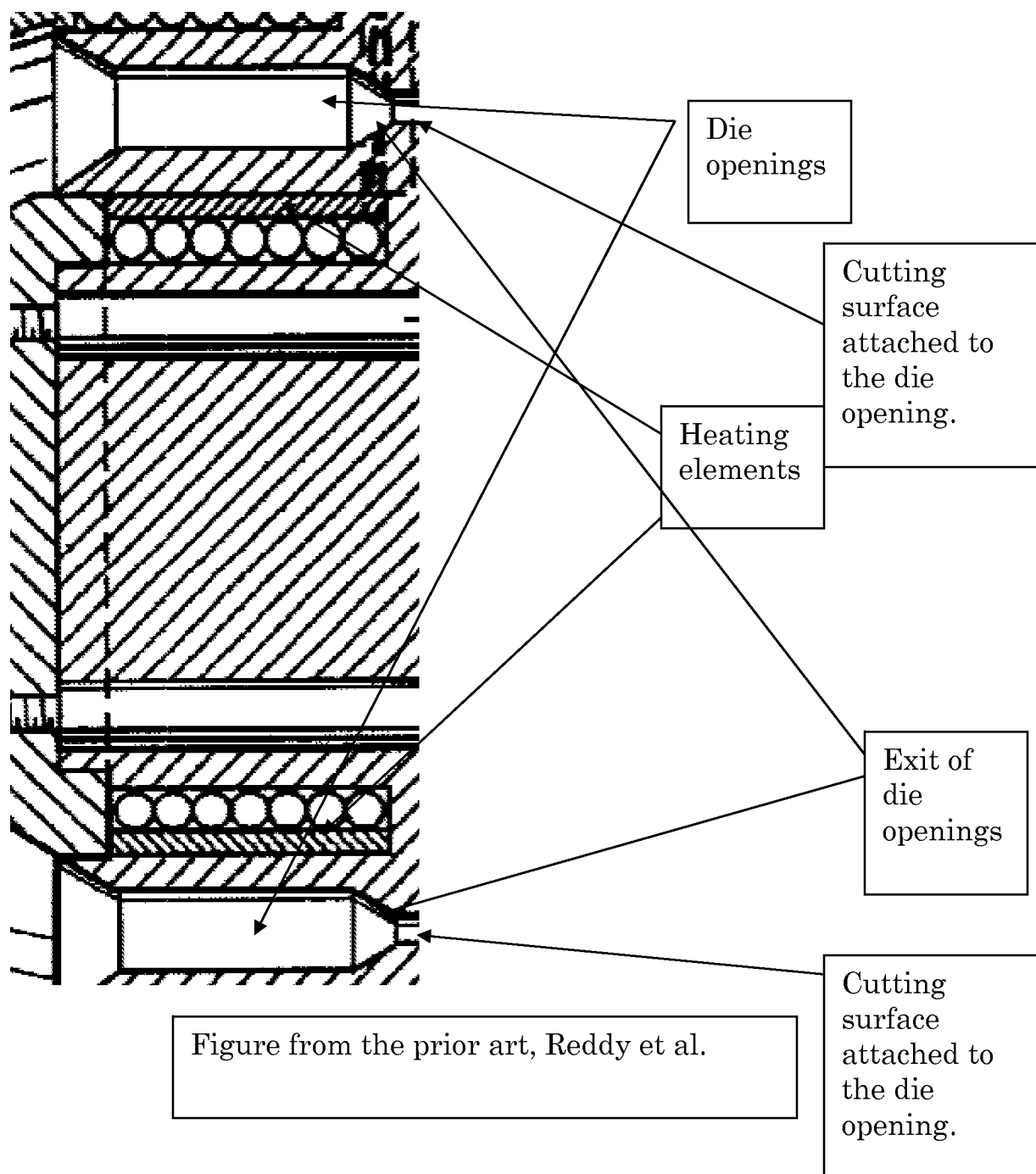
5. Applicant’s argument is fully considered but not found persuasive because the prior art, Yoshida et al. (‘847) discloses underwater granulating die (2) which comprises die openings(7); and a heat transfer channel (8) formed in the periphery of the die and is provided in periphery of the opening (7) (See col.4 lines 33-36), wherein the periphery of the nozzle contains an exit point of nozzle and entrance point of nozzle, and, thus, inherently suggests that heating means is located near or at the downstream opening as cited in the claims of the instant application. ( “Periphery” means boundary of an area). It further teaches that the high-temperature melted resin material extruded from the extruder, wherein the high-temperature melted resin is maintained the desired range of temperature with the help of heating means (8), which is located near the external surface of the opening (See col.5 lines 1-18; col.3 lines 41-46; and col.3 lines 55-56). If prior art discloses claimed structural limitation with the desired function, therefore, mere change in location of the structural limitation does not differentiate the function of the apparatus, and has no patentability weight, see *In re Japikse*,

*86 USPQ 70; In re Gazda, 104 USPQ 400.* Therefore, rejection of claims in view of Yoshida et al. has been maintained.

6. Applicant further argues that the prior art, Ready et al. (US 6,474,969) discloses a die having an electric heating elements (28a, 28b) surround the orifice (22). However, figure and description of the art, it is apparent that the heating element is not distal, and, thus, the prior art fails to disclose heater proximate the downstream face and proximate with the at least one passage at the downstream opening and/or a heating means for the down stream zone.

7. Applicant's argument is fully considered, but not found persuasive because the prior art, Ready et al. ('969) discloses extrusion die and die assembly which comprises die plate (12) having die opening (22) and raised cutting surface (21), wherein the die opening (22) is surrounded by heating elements (24, 26, 28a, 28b) (see figures 3-4). It further teaches that the heating element is involved to provide heat to the die opening (22) both on the inside and out side, thereby maintaining uniform amount of heat around the openings (22), which allows the molten material passing through each of the opening (22) to remain in molten condition unit it has exited from the opening (See col.4 lines 4-10). If prior art discloses claimed structural limitation with the desired function, therefore, mere change in location of the

structural limitation does not differentiate the function of the apparatus, and has no patentability weight, see *In re Japikse*, 86 USPQ 70; *In re Gazda*, 104 USPQ 400. Therefore, rejection of claims in view of Reddy et al. has been maintained.



***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIMPLE N. BODAWALA whose telephone number is (571)272-6455. The examiner can normally be reached on Monday - Friday at 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PHILLIP C. TUCKER can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dimple N Bodawala  
Examiner

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